

### REMARKS

Claims 1-5, 7-17, 25, 28, and 34-37 were pending in this application after entry of the claim amendments filed in the Second Amendment and Response to Final Office Action, transmitted to the Patent Office by facsimile on February 4, 2004. Upon entry of this Amendment, claims 3-5, 7-9, 11, and 15 will be cancelled without prejudice as drawn to non-elected species. Applicants expressly reserve the right to pursue protection of any or all of the subject matter of the cancelled claims in another application.

Claims 1, 2, 10, 12-14, 16 and 28 have been amended to conform to suggestions made by Examiner Belyavskiy in the February 18, 2004 telephone conference (summarized below). New claims 38 and 39 have been added. No new matter is introduced by these amendments, and no new issues are raised. Entry of the amendments after final action is appropriate because the amendments are believed to place the claims in a condition for allowance.

Support for the claim amendments is discussed below, as necessary. Upon entry of this amendment, **claims 1, 2, 10, 12-14, 16, 17, 25, 28, 34, and 37-39 will be pending in this application.** Consideration and allowance of the pending claims is requested.

#### Telephone Interview

Applicants thank Examiner Belyavskiy for his February 18, 2004 telephone call to their representative, Debra A. Gordon. During the telephone conference, claim amendments, which would place the claim in a condition for allowance, were discussed. The Examiner explained that the claims should be amended to recite the autoimmune disease species, multiple sclerosis, which was provisionally elected in response to the restriction requirement (*i.e.*, Paper No. 6, mailed December 2, 2002). The Examiner also directed Applicants to recite the characteristics of the claimed factors as literally supported on page 6, line 29 through page 7, line 7 of the specification. Examiner Belyavskiy also stated that the phrase "induce APCs to induce T cells" should be substituted for the phrase "induce T cells" throughout the claims. The claim term "therapeutically effective amount" was also discussed; the Examiner agreed that this term was supported by the specification.

Applicants believe this Amendment addresses each of the Examiner's helpful suggestions, and places the claims in a condition for allowance, as discussed with the Examiner.

**Claim Amendments**

Claims 1, 2, and 28 have been amended to recite, in relevant part, "autoantigenic protein antigens of multiple sclerosis." Support for these amendments is found, at least, in original claims 9 and 11. In the February 18, 2004 telephone conference, the Examiner suggested the following claim 1 preamble: "A method of selectively inhibiting an immune response to multiple sclerosis, comprising: . . . ." Applicants did not adopt this exact suggestion because no literal support for the exact phrase "an immune response to multiple sclerosis" was found in the specification. Moreover, Applicants respectfully submit that an immune response occurs in response to an antigen present in the disease, not in response to the disease itself.

As suggested by the Examiner, claims 1, 2, and 28 have been further amended to recite characteristics of the factors in the literal language of page 6, line 29 through page 7, line 7 of the specification, except that (i) the phrase "induce APCs to induce T cells" has been substituted for the phrase "induce T cells," as suggested by the Examiner, and (ii) "anergy" has been excluded because it is an element of a non-elected Group. Applicants respectfully submit that the characteristics of the factors as recited in previously presented claim 1, 2, and 28 are no different from the factors' characteristics as recited in the claims as amended herein. However, Applicants desire to be responsive to the Examiner's suggestions and especially desire to further prosecution of the application.

Lastly, the formatting of each of claims 1, 2, and 28 has been modified to make the claims more readable.

Claim 10 has been amended so that it depends from a pending claim (*i.e.*, claim 1) rather than a now-cancelled claim (*i.e.*, claim 9).

Claim 13 has been amended to depend from claim 1 instead of claim 2 because claim 2 already recites "monocytes, macrophages, and dendritic cells."

Claim 14 has been amended to comply with the requirement that a dependent claim be narrower in scope than the claim from which it depends.

Claim 16 has been amended so that it depends from a pending claim (*i.e.*, claim 10) rather than a now-cancelled claim (*i.e.*, claim 9).

New claims 38 and 39 are supported by, at least, original claim 12.

### CONCLUSION

It is respectfully submitted that the present claims are in a condition for allowance. If it may further issuance of these claims, the Examiner is invited to call the undersigned at the telephone number listed below.

Respectfully submitted,

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